

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

'08 MJ 2198

FILED

UNITED STATES OF AMERICA,

Plaintiff,

v.

Maricela TERAN

Defendant,

Magistrate Docket No. 2008 JUL 18 PM 4:00

Case No. _____
CLERK US DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

COMPLAINT FOR VIOLATION OF: Title 8 USC, Section 1326
DEPUTY

Deported Alien Found in the United States

(Felony)

The undersigned complainant, being duly sworn, states:

On or about July 18, 2008, within the Southern District of California, Defendant Maricela TERAN, an alien, who previously had been excluded, deported and removed from the United States to Mexico, was found in the United States, without the Attorney General or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8, United States Code, Section 1326.

And the complainant states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.



Chris Watkins, Senior Special Agent
U.S. Immigration & Customs Enforcement

Sworn to before me and subscribed in my presence, this 18th day of July, 2008.



Hon. Cathy A. Bencivengo
U.S. Magistrate Judge

STATEMENT OF FACTS

On July 18, 2008, Maricela TERAN came to the attention of U.S. Immigration and Customs Enforcement (ICE) Special Agents pursuant to an enforcement action in Vista, California.

On July 18, 2008, at approximately 6:30 am, ICE Special Agents encountered TERAN at her residence (511 Calle Independencia, Vista, CA, 92083). Special Agents were attempting to locate Noe TERAN (Maricela TERAN's brother). Upon receiving consent to enter the residence from TERAN's mother, Special Agents discovered Maricela TERAN hiding, underneath a blanket, in a bedroom closet.

SA Watkins conducted automated checks and confirmed that TERAN is a citizen and native of Mexico without any documents to enter or remain in the United States. TERAN was ordered removed to Mexico by an Immigration Judge on September 1, 2004.

A review of records maintained by the U.S. Department of Homeland Security reveals that TERAN is a native and citizen of Mexico, and that she was deported from the United States to Mexico on September 1, 2004, through the port at Otay Mesa, California. These same records indicate that this deportation was pursuant to an order by an immigration judge dated September 1, 2004. A Warrant of Deportation was observed which documents TERAN's physical removal from the United States to Mexico on September 1, 2004. A Report of Deportable/Inadmissible Alien identifying TERAN as a native and citizen of Mexico was reviewed. Fingerprints and photographs taken by immigration officers in preparation for TERAN's deportation were included in this document review.

On July 18, 2008, upon arrival to the San Diego federal building, an IDENT query was conducted on TERAN's index fingerprints, which yielded a match to her alien file and immigration history. The IDENT system provided photographs of TERAN and index fingerprints, which were taken by immigration officers during processing for removal from the United States.

On July 18, 2008, at approximately 9:47 a.m., ICE SA Chris Watkins read TERAN her Miranda rights in the English language, in the presence of ICE SA Chris Miller. TERAN stated that she understood her rights and acknowledged the understanding of her rights by signing the waiver portion of a rights form. TERAN further advised SA's Watkins and Miller that she would answer questions without the presence of an attorney. This admonishment, stated understanding and waiver of rights were videotaped.

During the interview TERAN told SA's Watkins and Miller substantially the following:

TERAN stated that she was born on August 15, 1984, in Guerrero, Mexico. TERAN stated that her mother and father were born in Mexico and are Mexican citizens. TERAN also stated that she is a citizen of Mexico.

TERAN further admitted to having been previously deported in 2004. She claimed that she re-entered the U.S. near Tecate, California, in December 2007.

When asked if she had applied for permission to lawfully return to the United States after her deportation, she responded in the negative.

A review of the records maintained by the U.S. Department of Homeland Security produced no evidence that TERAN has applied for or been granted permission to lawfully return to the United States after deportation.